

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH JOHNSON,

Petitioner,

v.

TERRY PITCHER,

CASE NO. 95-CV-76196

HONORABLE JOHN CORBETT O'MEARA
UNITED STATES DISTRICT JUDGE

Respondent,

**OPINION AND ORDER DENYING THE
MOTION TO ALTER OR AMEND JUDGMENT**

Petitioner filed a motion to amend the petition for writ of habeas corpus, seeking to add a claim to his 1995 habeas petition, which challenged his 1985 conviction for second-degree murder. On May 18, 2016, the Court ordered that the motion be transferred to the Court of Appeals pursuant to 28 U.S.C. § 2244(b)(3)(A), because the motion was a successive petition for a writ of habeas corpus that required a certificate of authorization from the Court of Appeals before petitioner could proceed.

Petitioner has filed a motion to alter or amend judgment of the Court's order transferring the case to the Sixth Circuit pursuant to § 2244(b)(3)(A). For the reasons that follow, the motion is DENIED.

A district court loses jurisdiction over a state prisoner's habeas petition when it transfers it to Court of Appeals on the ground that it is a second or successive petition. *Jackson v. Sloan*, 800 F. 3d 260, 261 (6th Cir. 2015). This Court thus lacks jurisdiction

pursuant to 28 U.S.C.A. §§ 1631 and 2244(b)(3)(A) to consider petitioner's motion to alter or amend the transfer order. *Id.*, at 261-62.

IT IS HEREBY ORDERED that motion to alter or amend judgment (Dkt. # 68) is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: June 9, 2016

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 9, 2016, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager